IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA ALBANY DIVISION

:

DEXTER G. LEWIS,

:

Plaintiff,

CIVIL ACTION FILE

1:04-cv-40(RLH)

VS.

RICKY HANES, ABL Management Inc., Food Service Coordinator, DAN HAGGERTY¹, Major of Administration, JAMIL SABA, Sheriff, Dougherty Co.,

:

Defendants.

ORDER

This is a § 1983 action brought by an inmate at the Dougherty County Jail who complains that the food he is given at the jail is inadequate in quantity and nutritional quality and that as a result of this he has suffered a significant weight loss. All parties have heretofore consented to the undersigned United States Magistrate Judge conducting any and all proceedings in connection with this action including but not limited to, the trial of said case and the ordering of the entry of judgment herein.

Presently pending herein is plaintiff's Motion to Compel answer's to his first and second interrogatories to defendants. In this motion plaintiff acknowledges that the defendants did respond to his interrogatories by way of objection stating that the interrogatories are argumentative and that they seek irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff's motion must be and is **DENIED** for two reasons.

¹Incorrectly identified by plaintiff as Dane Hagger

First, plaintiff has failed to make the showing required by Federal Rule of Civil Procedure

39(a)(2)(A) that he has made a good faith effort to confer with defense counsel in an effort to

obtain the disclosure without seeking court action. Plaintiff has failed to file with the court the

interrogatories and the responses thereto which led to the filing of this motion to compel.

Plaintiff attention is directed to Federal Rule of Civil Procedure 5(d).

SO ORDERED, this 25th day of August 2005.

/s/ Richard L. Hodge

RICHARD L. HODGE

UNITED STATES MAGISTRATE JUDGE